

### **Section 3: Procedures for New Voters, Vote-by-Mail Voting, Provisional Voting, and Other Situations**

Poll workers will face a variety of situations involving proof of identification for first-time voters, vote-by-mail voters, provisional voters, multiple-precinct polling, and electioneering. To address these situations, poll workers should be educated on the details below. Some situations are relatively rare, so a poll worker should not hesitate to contact the county elections official if any questions arise.

#### **New U.S. Citizens and New California Residents**

- The law allows any new U.S. citizen or new California resident to register and vote at the office of the county elections official between 7 and 14 days before Election Day. People who go to the polls and identify themselves as new United States citizens or new residents of the precinct and are not on the voter index should be given provisional ballots. A voter may be told that, unless they registered to vote between 7 and 14 days before the election, the provisional ballot will not be counted.
- When voting, a new resident must place their ballot into an identification envelope provided by the poll worker (many counties use a provisional ballot envelope for this purpose). The voter must sign the envelope affidavit, which declares their residency. (§§ 3403, 3404)

#### **Certain First-Time Voters**

- Poll workers should know the requirements and limited conditions under which they need to see a voter's identification. Poll workers may only ask a voter to provide their identification if the voter index clearly states identification is required. This notation on the voter index will be made when the voter mailed in a voter registration form without providing a driver's license number or the last 4 digits of their social security number. (See, e.g., HAVA § 303(b), CA Admin. Code § 20107)
- If a voter who is designated as needing to show identification cannot or does not provide identification, the voter must be offered and allowed to cast a provisional ballot. (CA Admin. Code § 20107(c))
- Poll workers should also be taught which forms of identification are acceptable and how to accept and record the voter's identification. A list of the acceptable forms of identification should be included in the written materials given to poll workers. (CA Admin. Code § 20107)

#### **Action to Compel Voter Registration**

- A voter who states they registered to vote through the California Department of Motor Vehicles or another public agency that provides voter registration services, but is not on the official voter index, may go to the county superior court to

compel the county to place them on the voter index. The poll worker should direct the voter to the county elections official for further information. (§ 2142(b))

### **Vote-by-Mail Voting**

- Vote-by-mail voters have three options if they decide not to mail their ballots in. They can:
  1. Turn in the voted vote-by-mail ballot at any polling place in the county where they are registered to vote;
  2. Surrender the unvoted vote-by-mail ballot at their home precinct and vote on a regular ballot; or
  3. Vote using a ballot in a provisional envelope if they do not have their vote-by-mail ballot and vote-by-mail envelope or if they are not at their assigned polling place.
- It is not uncommon for a voter to receive a vote-by-mail ballot in the mail, then either forget to mail it back before Election Day or decide to hand-deliver it to the polls. Poll workers must be informed they must accept any vote-by-mail ballot issued to a voter by their county, either from the voter or from an authorized third party delivering it for the voter. Authorized third parties are limited to the voter's spouse, child, parent, grandparent, grandchild, brother, sister, or a person living at the same household as the voter. If the voter requested and received their ballot under late vote-by-mail conditions (7 or fewer days before Election Day), the voter can authorize any person to return the ballot for them. (§§ 3015, 3017, 3021)
- Sometimes voters change their minds and want to vote at the polls instead of by mail. Poll workers should be taught how to handle surrendered vote-by-mail ballots brought in by these voters. Poll workers should be trained how to record and handle voted and surrendered vote-by-mail ballots (surrendered vote-by-mail ballot will not be counted), where to store them, and how they should be handled after the polls close. (§§ 3015, 3017)
- Poll workers should be told that sometimes a vote-by-mail voter registered in one county will seek to hand in a vote-by-mail ballot at a polling place in another county. The voter should be told the ballot will not be counted since a ballot may only be accepted before the polls close in the county that issued the ballot. (§ 3017)

### **Provisional Voting for Vote-by-Mail Voters**

- Poll workers should be familiar with how to provide a provisional ballot to a vote-by-mail voter who wants to vote but did not bring their vote-by-mail ballot to the polling place. (§ 3016)

## Provisional Voting

- Poll workers should be trained on how a voter can request and cast a provisional ballot if the voter's registration or voting status cannot be confirmed at the polling place. (§ 14310)
- A voter needs to vote a provisional ballot if:
  1. The voter is not voting in their assigned precinct. (§ 14310)
  2. A voter's name is not listed on the voter index or any supplemental index of voters. (§ 14217)
  3. The voter is listed as a vote-by-mail voter and did not bring the vote-by-mail ballot to surrender at the polling place. (§ 3016)
  4. In a primary election, the voter index shows the voter is registered to vote in a political party different than the party for which the voter claims to be registered. (§ 14310(c)(3))
  5. The voter is voting for the first time after mailing in a voter registration form and did not provide a driver's license or the last four digits of the social security number on the voter registration form, but did not bring or does not want to show the required identification.  
(CA Admin. Code § 20107(c))
  6. The voter arrives after 8:00 p.m. and the polling place is still open because of a court order. (§ 14402.5)
  7. The voter moved within the county but did not re-register to vote.  
(§ 14311)
  8. The voter's eligibility to vote cannot otherwise be determined by the poll worker. (§ 14310(c)(3))
  9. Any other reason why the voter's eligibility to vote cannot be determined.
- If voters are in the wrong polling place, poll workers should tell them they can either go to their assigned polling place to vote a regular ballot or they can stay and cast a provisional ballot. The poll workers should also explain the advantages and disadvantages of each option. For example, the polling place ballot may not contain all of the same candidates and measures as the ballot in a voter's home precinct. If this type of situation occurs late in the day, the poll worker should let the voter know that if the voter arrives at their assigned polling place after 8:00 p.m., the voter will not be allowed to cast a ballot.
- Poll workers should be informed how to handle provisional ballots and ensure voters fill out and sign the provisional envelopes. Poll workers should segregate provisional ballots so they can be processed separately. (§ 14310)

- Poll workers should be trained to allow a voter who has moved to a new address within the same county but has not re-registered to vote at the new address to vote a provisional ballot at the new polling place. Poll workers should be instructed to provide these voters with a registration form. (§ 14311)
- Poll workers should know how a provisional voter can contact the county's free-access system to determine if their provisional ballot was counted or, if not, why not. (§ 14310(d))
- To ensure voters are not being required to vote provisionally unnecessarily, poll workers should be reminded to check supplemental voter indexes before issuing a provisional ballot.

### **Multiple-Precinct Polling Places**

- Sometimes multiple precincts share one polling place, which can be confusing for both poll workers and voters. For example, precincts #123 and #124 may be at a polling place located at 433 Main Street. Poll workers should understand the dynamics of a multiple-precinct polling place to minimize confusion and maximize efficiency for voters. Poll workers should pay especially close attention when issuing ballots for each precinct. Some county elections officials have found assigning one person to serve as a greeter and direct voter traffic helps eliminate much of the confusion.

### **Ballot Shortages**

- If a precinct runs out of paper ballots, state law requires the county elections official to deliver additional ballots to the precinct within two hours. It is essential for poll workers to immediately tell their elections official they need additional ballots so every eligible voter has the opportunity to vote. Voters should be given the option to either wait for the ballots to be delivered or to vote immediately using an alternative procedure approved by the Secretary of State. Approved alternatives include using:
  - Provisional ballots
  - Vote-by-mail ballots
  - Sample ballots
  - Facsimile ballots
  - Ballots from neighboring precincts
  - Emergency or test ballots that many counties include in precinct supply kits (provided the ballots contain the names of all candidates and titles of

all ballot measures along with corresponding areas for voters to mark their choices) (§ 14299)

## **Electioneering**

- Poll workers should learn what constitutes electioneering. They should understand how to measure a 100-foot perimeter from a polling place (or request assistance from roving inspectors), what activities are prohibited within that perimeter, and what to do if they either see or hear about electioneering in or near their polling place. Poll workers also need to be aware what types of materials are not allowed in the polling place and what to do, if, for example, a voter enters a polling place wearing a t-shirt or button promoting or opposing a candidate or ballot measure.
- Electioneering is defined in Section 319.5 as “the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official’s office, or a satellite location under Section 3018.” This effectively means electioneering cannot be conducted within 100 feet of the entrance to the polling place. Prohibited materials and information include, but are not limited to:
  - A display of a candidate’s name, likeness, or logo
  - A display of a ballot measure’s number, title, subject, or logo
  - Buttons, hats, pencils, pens, shirts, signs, or stickers containing information about candidates or issues on the ballot
  - Any audible broadcasting of information about candidates or measures on the ballot
- Poll workers need to understand the difference between electioneering and opinion/exit polling, which is allowed beyond 25 feet of the polls, and how to handle opinion-polling researchers or members of the news media who violate these restrictions. (§ 18370)

## **Challenging an Election**

- Poll workers should be aware that voters are permitted to contest an election based on misconduct by a poll worker – a fact that reinforces the importance of properly performing their duties on Election Day. Such misconduct includes:
  - Discriminating against voters based on race, ethnicity, party affiliation, literacy, or disability
  - Denying an eligible voter the right to cast a ballot
  - Intentionally misinforming voters of their registration status;
  - Coercing or intimidating voters (§ 16100)

- Poll workers should immediately report all disruptive behavior to their county elections office and try to move any such behavior outside of the polling place. Poll workers should never put themselves in physical jeopardy. Poll workers should be taught to call local law enforcement first if they believe anyone's safety is in jeopardy.
- Poll workers should also be aware that a member of the precinct board is permitted to challenge a voter at the polling place if the member believes the voter:
  - Is not the person whose name appears on the voter index
  - Is not a resident of the precinct
  - Is not a citizen of the United States
  - Has already voted in that election
  - Is on parole for the conviction of a felony
- If a challenge occurs, the poll worker must contact the county elections official immediately for assistance. (§ 14240)
- While challenge procedures are law, poll workers should be reminded that the right of any voter to cast a provisional ballot cannot be challenged or denied.